

In the Matter of )  
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COMTRONICS CORPORATION ) File No. 0004595911  
Industrial/Business Pool Station WIL823, Boston, )  
Massachusetts )

**Released: April 5, 2011**

3. DCC first argues that the application should be denied because Comtronics's current base station operations are causing interference to DCC.<sup>5</sup> Except as otherwise specifically provided, frequencies below 512 MHz assigned to land mobile stations are available on a shared basis and will not be assigned for the exclusive use of any licensee.<sup>6</sup> We expect licensees to cooperate in the use of these

<sup>6</sup> See 47 C.F.R. § 90.173(a).

frequencies.<sup>7</sup> Consequently, Comtronics and DCC are equally entitled to use the frequency, and this constitutes no basis for denying Comtronics's modification application.<sup>8</sup>

4. DCC also argues that the frequency loading exceeds the limit of ninety units<sup>9</sup> without DCC's consent, and that DCC also did not consent to the proposed change in station class code.<sup>10</sup> We note that Comtronics now proposes to modify the license to reflect only seventy-one mobile units, which would bring the total loading to ninety units. Moreover, we agree with Comtronics that, because neither licensee utilizes centralized trunking, DCC's consent to the proposed change in station class code is not required.<sup>11</sup> We therefore deny DCC's petition, and will process Comtronics's modification application accordingly.

5. Accordingly, IT IS ORDERED that, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 1.41 of the Commission's Rules, 47 C.F.R. § 1.41, the Petition to Deny filed on February 4, 2011 by DCC Engineering, IS DENIED, and application FCC File No. 0004595911 SHALL BE PROCESSED in accordance with this *Order* and the Commission's Rules.

6. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATION COMMISSION

Scot Stone  
Deputy Chief, Mobility Division  
Wireless Telecommunications Bureau

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<sup>7</sup> See 47 C.F.R. § 90.173(b).

<sup>8</sup> See, e.g., Ted S. Henry, *Letter*, 22 FCC Rcd 662, 663 (WTB MD 2007). DCC also states that Comtronics operates with more power than its license authorizes. If DCC has evidence that Comtronics is operating in an unauthorized manner, it should bring the information to the attention of the Commission's Enforcement Bureau.

<sup>9</sup> 47 C.F.R. § 90.313(a)(2).

<sup>10</sup> See Petition at 1.

<sup>11</sup> See Opposition at 1; see also 47 C.F.R. § 90.313(b).